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Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of)
)
Toll Free Service Access Codes;) CC Docket No. 95-155
Release of the 855 Toll Free Code) NSD-L-00-249
)

To: The Common Carrier Bureau

REPLY COMMENTS

The Toll Free Commerce Coalition ("TTFCC"), by its attorneys, provides these reply comments in response to the comments of Sprint Corporation ("Sprint"), WorldCom, Inc. ("WorldCom") and The Toll Free Number Coalition ("TFNC") in the above-captioned proceeding.¹

What is immediately clear from reviewing the Sprint, WorldCom and TFNC comments is that the Common Carrier Bureau ("Bureau"), acting on delegated authority, need not and should not authorize the precipitous distribution of 855 toll free codes. The comments document various problems with the SMS/800 database, but do not adequately refute the claims of TTFCC and others that graphical user interface ("GUI") and dial-up RespOrgs continue to experience lockouts and freeze outs caused by mechanized generic interface ("MGI") RespOrgs.

First and foremost, Sprint merely restates the claims of the SMS/800 Management Team and Database Service Management, Inc. ("SMT/DSMI") that MGI is not the cause of GUI and dialup lockouts from the database.² However, TTFCC has already demonstrated that SMT/DSMI has never conducted a stress test of the database including MGI users, so they cannot definitively

¹ Comments Sought on Petitions for Emergency Relief Regarding Release of the 855 Toll Free Code, CC Docket No. 95-155, File No. NSD-L-00-249, Public Notice, DA 00-2688, released November 29, 2000.

² Sprint Comments at 2.

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rule out MGI as the cause.³ Moreover, SMS/DSMI have identified at least two other potential causes of database lockouts, undermining any conclusive showing that MGI is not the culprit here. TFNC's comments also note that its members have experienced continuing problems with access to the database and that SMT/DSMI's stress tests do not rule out MGI as the cause.⁴ TFNC points out the rushed and inadequate efforts of DSMI to provide software "fixes" for GUI and dialup RespOrgs in order to conduct what would have been a seriously flawed 855 rollout.⁵ WorldCom agrees with TTFCC and TFNC that the Commission should complete an investigation of the non-MGI RespOrg's allegations before distributing 855 numbers, but it believes this can be done within six months.⁶ WorldCom also agrees with TTFCC and TFNC that the Commission must seriously evaluate the option of placing the ownership and control of the SMS/800 database in the hands of an impartial entity, but WorldCom is not confident that this will occur before the next instance of toll free number exhaust.⁷

The Bureau is in an optimal position to resolve these and other problems due to the state of toll free number usage. All parties agree that RespOrgs and the consumers they represent do not face toll free number exhaust for the foreseeable future. TFNC attached to its comments the most recent SMS/800 Number Administration Summary Report that shows toll free numbers being consumed at a rate that will lead to number exhaustion on October 1, 2004.⁸ Contrary to the last "crisis" rollout of 866 numbers that took place just before number exhaust was expected and in violation of first-come, first-served principles, the Commission is in the perfect position today to resolve the various problems that still haunt access to the SMS/800 date base. TTFCC urges the

³ TTFCC Comments at 5.

⁴ TFNC Comments at 4-5.

⁵ *Id.* at 4, Declaration of Sandra S. Murray.

⁶ WorldCom Comments at 3-4.

⁷ *Id.* at 5-6.

⁸ SMS/800 Bulletin Number: SMS-00-295, December 11, 2000 (Attached to TFNC Comments).

Commission to act on short term and long term reforms before authorizing the release of additional numbers. These actions include:

- Requiring SMT/DSMI, or an independent third party, to conduct stress tests that incorporate MGI users and allow for public comment on the tests, their results and the proposed solutions;
- Requiring SMT/DSMI to explain why its purported fixes to data base lockouts limit GUI and dial up RespOrgs to requesting not more than ten (10) numbers at a time;
- Directing the SMS/800 Numbering Administration Committee (SNAC) to reform its meeting notice, consensus and information distribution procedures to ensure that all RespOrgs are aware of and can participate in the decision-making process;
- Reviewing and acting upon the recommendations of the North American Numbering Council as to the future ownership and control of the toll free number data base. These recommendations are due in March 2001;
- Acting upon the pending Petitions for Reconsideration to the *Fourth Report and Order*,⁹ and re-opening the record and inviting additional comment in light of recent Commission efforts to avoid number exhaust through market mechanisms.

Sprint and WorldCom adamantly oppose any solution to the data base freeze out phenomenon that would prohibit the use of MGI access during the first hours of a toll free number release.¹⁰ TTFCC wishes to note that this was just one proposal to resolve the yet-unresolved problem of preferred access to the database by MGI RespOrgs. If the Commission were ultimately satisfied that MGI does not cause lockouts, TTFCC would be willing to endorse other means of equalizing access to the database. However, the solution simply cannot be that all RespOrgs have the opportunity to purchase MGI access for \$554,889, or that GUI RespOrgs must hire staff and purchase additional lines to place their client's numbers in the queue. The Commission should require that GUI and dial up RespOrgs have a reasonable opportunity to request an equivalent

⁹ *In the Matter of Toll Free Access Codes*, Fourth Report and Order and Memorandum Opinion and Order, 13 FCC Rcd 9065 (1998).

¹⁰ Sprint Comments at 3-4; WorldCom Comments at 4.

amount of numbers during toll free rollouts in competition with MGI RespOrgs. No RespOrg should, however, be limited to ten (10) number requests when others may request unlimited amounts of this valuable resource with the press of a button.

Respectfully submitted,

THE TOLL FREE COMMERCE COALITION

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CERTIFICATE OF SERVICE

I Fatmata B. Deen, hereby certify that on December 20, 2000, copies of the preceding "Reply Comments" of The Toll Free Commerce Coalition were served by U.S. mail to the following persons at the addresses below unless otherwise indicated:

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